

1 DAVID S. DURHAM (State Bar No. 76296)  
2 MARGARET A. KEANE (State Bar No. 255378)  
3 CHRISTOPHER M. FOSTER (State Bar No. 278932)  
4 DLA PIPER LLP (US)  
5 555 Mission Street, Suite 2400  
6 San Francisco, CA 94105-2933  
Tel: 415.836.2500  
Fax: 415.836.2501

5 Attorneys for AETNA INSURANCE COMPANY OF  
6 CONNECTICUT and MEDICITY, INC.

MARK C. PETERS [SBN 160611]  
DUCKWORTH PETERS  
LEBOWITZ OLIVIER LLP  
100 Bush Street, Suite 1800  
San Francisco, California 94104  
Tel: (415) 433-0333  
Fax: (415) 449-6556

Attorneys for Plaintiff  
ANDREW PASHMAN

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 ANDREW PASHMAN,

11 Plaintiff,

12 v.

13 AETNA INSURANCE COMPANY OF  
14 CONNECTICUT, a Connecticut company,  
15 MEDICITY, INC., and Does 1 through 10,

16 Defendants.

CASE NO. CV-13-02835 DMR

**JOINT STIPULATION TO DEFENDANTS'  
SECOND AMENDED BILL OF COSTS**

*Hon. Donna M. Ryu*

17  
18 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Andrew  
19 Pashman and Defendants Aetna Insurance Company of Connecticut and Medicity, Inc. (all  
20 together, "Parties"), through their undersigned counsel, as follows:

21 WHEREAS, on July 18, 2014, the Court entered an Order granting Defendants' Motion  
22 for Summary Judgment and entered Judgment in this matter. *See* ECF Doc. Nos. 36, 37;

23 WHEREAS, on August 1, 2014, Defendants filed a Bill of Costs and Amended Bill of  
24 Costs per 28 U.S.C. § 1920 and Local Rule 54. *See* ECF Doc. No. 39-1;

25 WHEREAS, on August 14 and 15, 2014, counsel for Plaintiff and counsel for Defendants  
26 met and conferred in good faith regarding Defendants' Amended Bill of Costs per Local Rule 54;

27 //

28 //

1           WHEREAS, on August 15, 2014, the Parties agreed to stipulate to Defendants' Second  
2 Amended Bill of Costs (filed concurrently) in the total amount of \$10,042.55, which includes:

3           (a) \$8,117.55 in costs for fees for printed or electronically record transcripts necessarily  
4 obtained for use in the case, and

5           (b) \$1,925.00 in costs for fees for exemplification and the costs of making copies of any  
6 materials where the copies are necessarily obtained for use in the case;

7           WHEREAS, the Parties jointly stipulate that all said costs were reasonably and necessarily  
8 incurred by Defendants in this matter and taxable per 28 U.S.C. § 1920 and Local Rule 54-3;

9           NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED that the  
10 total costs claimed in Defendants' Second Amended Bill of Costs amounting to \$10,042.55  
11 should be taxed and included in the Court's judgment.

12           Dated: August 15, 2014

**DLA PIPER LLP (US)**

15           By /s/ Christopher M. Foster

16           DAVID S. DURHAM  
MARGARET A. KEANE  
CHRISTOPHER M. FOSTER

17           Attorneys for Defendants Aetna Insurance  
18           Company of Connecticut and Medicity, Inc

19           Dated: August 15, 2014

**DUCKWORTH PETERS LEBOWITZ  
OLIVIER LLP**

23           By /s/ Mark C. Peters

24           MARK C. PETERS

25           Attorneys for Plaintiff  
26           ANDREW PASHMAN

**DECLARATION UNDER CIVIL LOCAL RULE 5.1**

In compliance with Civil Local Rule 5.1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories indicated by a "conformed" signature (/s/) within this E-Filed document.

Dated: August 15, 2014

/s/ Christopher M. Foster

## Christopher Foster

WEST\249357213.2